



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

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FILED
EPA REGION VIII
HEARING CLERK

VEOLIA ES TECHNICAL
SOLUTIONS, L.L.C.

Respondent.

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)
) **FINAL ORDER**
)
)

DOCKET NO.: RCRA-08-2006-0007

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

Dated this 5th day of December, 2006.

Elyana R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Docket No. RCRA-08-2006-0007

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FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:

Veolia ES Technical Solutions, L.L.C.,

Respondent.

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CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Veolia ES Technical Solutions, L.L.C., by their undersigned representatives, hereby consent and agree as follows:

1. On September 29, 2006, Complainant issued a Complaint and Compliance Order alleging certain violations of the Solid Waste Disposal Act, also known as the Resource Conservation and Recovery Act (RCRA or the Act). The Complaint proposed a civil penalty of \$6,900 for the violation alleged therein and the Compliance Order directed Respondent to take certain actions to comply with the requirements of the Act.

2. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of the Complaint and the factual allegations of Count 2 of the Complaint, and neither admits nor denies the remaining factual allegations of the Complaint.

3. Respondent provided additional documentation which established to EPA's satisfaction that Count 2 (late filing of 2004 annual hazardous waste export report) is entitled to complete penalty mitigation under EPA's audit policy.

4. Respondent consents and agrees to pay a civil penalty in the amount of **two thousand four hundred fifty dollars (\$2,450)**, in the manner described below in this paragraph:

- a. Payment is due within 30 calendar days from the date written on the Final Consent Order, issued by the Regional Judicial Officer, that adopts this Consent Agreement. If the due date falls on a weekend or legal federal holiday, then the due date becomes the next business day. The date the payment is made is considered to be the date processed by Mellon Bank described below. Payments received by 11:00 AM. EST are processed on the same day, those received after 11:00 AM are processed on the next business day.
- b. The payment shall be made by remitting a cashier's or certified check, including the case name and docket number, for the amount, payable to "Treasurer, United States of America," to:

Regular Mail:

Mellon Bank
Lockbox 360859
Pittsburgh, PA 15251-6859

Federal Express, Airborne, or other commercial carrier:

U.S. EPA, 360859
Mellon Client Service Center, Rm. 154-0670
500 Ross Street
Pittsburgh, PA 15251-6859

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

ABA = 021030004
TREAS NYC/CTR/
BNF=/AC-68011008

A copy of the check shall be sent simultaneously to:

Eric R. Johnson
Technical Enforcement Program (8ENF-RC)
U.S. EPA Region VIII
999 18th Street, Suite 200
Denver, CO 80202-2466

and

Tina Artemis
Regional Hearing Clerk (8RC)
U.S. EPA Region VIII
999 18th Street, Suite 200
Denver, CO 80202-2466

- c. In the event payment is not received by the specified due date, interest accrues from the date of the final consent order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received. (i.e., on the 1st late day, 30 days of interest accrues).
- d. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 31st day from the date of the final consent order, and each subsequent thirty day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., the 121st day from the date the final consent order is signed). Payments are first applied to outstanding handling charges, 6% penalty interest, and late interest. The remainder is then applied to the outstanding principal amount.
- e. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.
- f. Respondent further agrees and consents that if Respondent fails to pay the entire penalty amount within 60 days of the date on the final order, the full penalty amount proposed in the Complaint shall become immediately due and owing by Respondent.

5. Respondent has complied with the Compliance Order by filing an amended annual hazardous waste export report for 2003 (correcting deficiencies in listing waste codes) and two exception reports (noting the export manifest omissions of date and signature for the waste leaving the U.S.).

6. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint, or this Consent Agreement.

7. This Consent Agreement, upon incorporation into a final consent order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

8. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the Act and its implementing regulations.

9. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the consent agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.

11. Nothing in this Consent Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this consent Agreement.

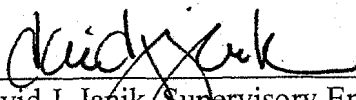
12. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind the party he/she represents to the terms and conditions of this Consent Agreement.

13. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order. EPA agrees to send a copy of the Consent Agreement and Consent Order to Respondent within five (5) business days of the date of issuance of any final consent order by the Regional Judicial Officer.

14. Each party shall bear its own costs and attorney fees in connection with this matter.
15. This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.

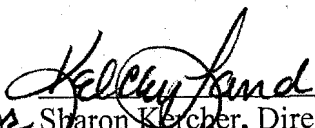
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.

Date: 12/1/06



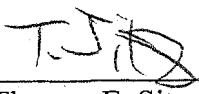
David J. Janik, Supervisory Enforcement Attorney
Legal Enforcement Program

Date: 12/1/06



for Sharon Kercher, Director
Technical Enforcement Program

Date: 11-30-06



Thomas E. Sitz
Enforcement Attorney
Legal Enforcement Program

Veolia ES Technical Solutions, L.L.C.,
Respondent.

Date: 29 NOV 2006

Greig Siedor

Greig Siedor
Chief Legal Officer and Vice President

IN THE MATTER OF: Veolia ES Technical Solutions, LLC
DOCKET NUMBER: RCRA-08-2006-0007

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the Consent Agreement in the above-referenced matter were filed with:

Tina Artemis
Regional Hearing Clerk (8RC)
U.S. Environmental Protection Agency, Region 8
999 18th Street, Suite 200
Denver, Colorado 80202-2466

and that a copy was sent via USPS first class mail to:

Greig R. Siedor
Chief Legal Officer
Veolia ES Technical Solutions, LLC
700 East Butterfield Road, Suite 201
Lombard IL 60148

Date: 12-1-06

By: T. Sitz

Thomas E. Sitz

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT** was filed on December 1, 2006, and the **FINAL ORDER** was filed on December 5, 2006 in the matter of **VEOLIA ES TECHNICAL SOLUTIONS, L.L.C., DOCKET NO.: RCRA-08-2006-0007**.


Further, the undersigned certifies that a true and correct copy of the document was delivered to Thomas E. Sitz, Enforcement Attorney, U. S. EPA – Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on December 5, 2006, to:

Greig R. Siedor, Chief Legal Officer
Veolia ES Technical Solutions, L.L.C.
700 East Butterfield Road, Suite 201
Lombard, IL 60148

Telefaxed to:

Michelle Angel
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268
513-487-2063

December 5, 2006


Tina Artemis
Regional Hearing Clerk